

MINUTES OF THE TOWN BOARD MEETING OF MARCH 12, 2014

PRESENT: Supervisor Edward Fairbrother
 Council Andy Gillette
 Lee Giammichele
 Mike Saglibene
 Bob Adams
 Attorney Thomas Reilly
 Clerk Linda Cross

Supervisor Fairbrother called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE - None

REPORTS

Supervisor Fairbrother stated the following reports for February 2014 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Water Department Monthly Report, Assessor's Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report, SPCA Monthly Report.

Supervisor Fairbrother also reported:

- Water Leak on Rosewood Drive – Broken pipe - Repaired
- Community Center Board has been established – ad hock Board
 - Judy Kadlec, Bob Gibbs, Julie Carlson, Phil Meyers and Bobbi Vence, and the Liaisons are Councilmen Bob Adams and Councilmen Lee Giammichele
 - IT – Marc Chevalier will be updating the computers to 365 and adding Dual screens to different Department.
 - Banks – Checking into different Banks to see what works best for the Town.
 - 4 Town Vehicles – Needs to be replaced.... Buying vs Leasing
 - Town Programs – Meetings with companies next week to possibly go with one instead of two Company's
 - Closing of the Financial Reports for 2013, by the end of March
 - Working on the Town Handbook – Hoping to revise and complete by end of April
 - Getting reserve accounts set up.

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NEW BUSINESS

RESOLUTION NO. 91-14
BOARD OF ASSESSMENT REVIEW MEMBER APPOINTMENT APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Town Board has an opening for a member to the Board of Assessment Review,
and

WHEREAS Thomas Roe is interested in being a member of the Board of Assessment Review,
and

WHEREAS for environmental purposes, administration is a Type II action in accordance with
SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the
same, now

BE IT THEREFORE RESOLVED the Town Board appoints Thomas Roe to the Board of
Assessment Review with a term ending September 30, 2018, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to complete and sign the
appropriate Report of Personnel Change and Extended Payroll Certificate (RPC) for this hiring.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 92-14
SECTION 284 OF THE HIGHWAY LAW AGREEMENT APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board,
and Commissioner of Public Works are required to enter into an agreement regarding moneys
levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, ministerial act is a Type II action in accordance with
SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the
same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town
Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the
Agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 93-14
PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR CAMPING WORLD SALES
EVENT SET

Resolution by: Saglibene
Seconded by: Adams

WHEREAS, the Planning Board has received an application on February 11, 2014 from Camping World for site plan approval to permit an RV sales event located off Chambers Rd at the Arnot Mall, Tax Parcel 58.03-1-1.11, and

WHEREAS, the property is located in the Business Regional (BR) district near the intersection of I-86, Chambers Rd., and Colonial Drive; and,

WHEREAS, the property is located in the Arnot Mall parking lot near the Sears dept. store south entrance parking lot, and

WHEREAS, the event shall take place May 1, 2014 thru May 5, 2014 between the hours of 8:00am and 9:00pm, and

WHEREAS, RV sales is a use permitted under site plan approval and upon grant of a special use permit by the Town Board, and

BE IT THEREFORE RESOLVED the Town Board hereby schedules a public hearing to be held March 26, 2014, for the special use permit requested with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be May 1, 2014 through May 5, 2014
- All vehicles shall be removed and the site shall be returned to original condition no later than May 8, 2014.
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Any deviation from the site plan shall be approved by the code and planning office and the planning board.

FURTHER RESOLVED, for the purposes of SEQRA, the Town of Big Flats Planning Board is the lead agency, shall deem the proposed action to be unlisted and shall make the determination for a negative declaration of significant environmental impacts.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO.94-14
SETTING BEST VALUE AWARD POLICY APPROVED

Resolution by: Adams
Seconded by: Gillette

WHEREAS New York State General Municipal Law requires a resolution adopted by the Political Subdivision's Governing Board to authorize the use of a Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) which may be awarded on the basis of low bid or best value, as authorized in section 103 of the General Municipal Law and as defined in section one hundred sixty three of the state finance law, and

WHEREAS be it enacted by the Town Board of the Town of Big Flats, New York, as follows:

WHEREAS the State Legislature and Governor amended General Municipal Law §103 (A08692/S6117) on January 27, 2012 to provide local governments' greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The state legislation requires Political Subdivisions with a population of less than one million to pass a local law authorizing the use of the best value award process, and

WHEREAS the enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors, and

WHEREAS the federal government, approximately half the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense, and

WHEREAS taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services, and

WHEREAS even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best

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RESOLUTION NO.94-14, SETTING BEST VALUE AWARD POLICY APPROVED
continued

value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services, and

WHEREAS "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services and

WHEREAS where the basis for award is the best value offer, the Town Supervisor or designee shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted, and

WHEREAS the Town Supervisor or designee shall select a formal sealed competitive bidding procurement process in accordance with General Municipal Law and the Town of Big Flats Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved, and

WHEREAS the solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the [Political Subdivision Name] in its determination of best value, and

WHEREAS the Town Supervisor or designee shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the Town of Big Flats Procurement Policy and reviewed annually by the Town Board of the Town of Big

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RESOLUTION NO.94-14, SETTING BEST VALUE AWARD POLICY APPROVED
continued

Flats in conjunction with its annual review and approval of the Town of Big Flats Procurement Policy, and

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats hereby authorizes the use of a Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) which may now be awarded on the basis of low bid or best value, as authorized in section 103 of the General Municipal Law and as defined in section one hundred sixty-three of the state finance law.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 95-14
COMMUNICATION LOG FOR MARCH 12, 2014 APPROVED

Resolution by: Gillette
Seconded by: Giammichele

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

March 5, 2014

Time Warner Cable – RE: 2014 Programming Notice. *Referred to: Town Board, Town Supervisor and Town Clerk for filing.*

March 7, 2014

Big Flats Business Association Meeting – RE: March 5, 2013 Minutes. *Referred to: filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 96-14
INTERMUNICIPAL AGREEMENT WITH THE TOWN OF ELMIRA ON PROPERTY
IN THE TOWN OF BIG FLATS APPROVED

Resolution by: Gillette
Seconded by: Giammichele

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RESOLUTION NO. 96-14, INTERMUNICIPAL AGREEMENT WITH THE TOWN OF ELMIRA ON PROPERTY IN THE TOWN OF BIG FLATS APPROVED continued

WHEREAS, the Town of Elmira purchased certain real property located at 1890 West Water Street, Elmira, NY (Tax ID numbers 88.00-1-32, 88.00-1-33, 88.00-1-35.1 and 88.00-1-35.3) as if fully set forth herein, that is contiguous to the Town of Elmira but located within the Town of Big Flats; and

WHEREAS, the Town of Elmira constructed a highway garage and other maintenance facilities for its highway department on said property; and

WHEREAS, the parties entered into an intermunicipal agreement dated April 14, 2003 pursuant to Real Property Tax Law §406 establishing the property as tax exempt; and

WHEREAS, the April 14, 2003 agreement expired on March 1, 2007; and

WHEREAS, the parties have continued since that time to carry the property on the tax rolls as tax exempt; and

WHEREAS, the parties wish to reconfirm and authorize this designation and enter into an agreement that will renew every year without further action of the parties; and

BE IT THEREFORE RESOLVED the Town Board authorized the Town Supervisor to sign an agreement with the Town of Elmira exempting the Town of Elmira from real property taxes within the Town of Big Flats used for the Town of Elmira municipal purposes.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 97-14
RECORD RETENTION AND DISPOSITION SCHEDULE MU-1 REVISED 2003
APPROVED

Resolution by: Gillette
Seconded by: Adams

WHEREAS the Town has a need to retain records for a specified period of time, and

WHEREAS the records need to be disposed of in an appropriate manner, and

WHEREAS New York State provides the Record Retention and Disposition Schedule MU-1 Revised 2003, and

WHEREAS the Town Attorney recommended adoption of the NYS Records Retention and Disposition Schedule MU-1 Revised 2003, and

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RESOLUTION NO. 97-14, RECORD RETENTION AND DISPOSITION SCHEDULE MU-1
REVISED 2003 APPROVED continued

WHEREAS for environmental review purposes, the adoption of regulations, policies, procedures and local legislative decisions is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, the Town Board adopts the New York State Record Retention and Disposition Schedule MU-1 Revised 2003.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 98-14
HUNT ENGINEERING TO PROVIDE PROFESSIONAL SERVICES, EMERGENCY
GENERATOR AND VFD'S, FOR WD #1 AND WD #2

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the NYSDOH has been asking for emergency generators to comply with our ERP (Emergency Response Plan) so our Water Districts are provided with uninterrupted electrical service in case of power failure, and it was recommended that VFD's (Variable Frequency Drive) be considered as part of this project to reduce power costs, and

WHEREAS the Big Flats Water Department received a proposal from Hunt Engineering to perform the engineering tasks associated with the designing, bidding and construction inspection services of said emergency generator and VFD project, including filing a CFA (Consolidated Funding Application) for rebates regarding the VFD's, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (18) to include basic data collection and no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Hunt Engineering to provide professional engineering tasks associated with the data collection, design plans, specifications, bid, contract drawings, and construction inspection services to size and install: an emergency generator for WD#1 and VFD's for WD#2 (Well 1 & Well 2) for a rate not to exceed a fee of eight thousand, five hundred dollars (\$8,500) plus disbursements.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

CODE OF ETHICS RESOLUTION - Tabled till 3/26/14

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Resolution by: Fairbrother Seconded by: Adams

TABLED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother

NAYS: None

RESOLUTION NO. 99-14
78 HAMMOND STREET DELAYED ASBESTOS, CONTRACTOR
NEW AGREEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Giammichele

WHEREAS the date for the asbestos inspection has been delayed, and

WHEREAS for environmental review purposes, the adoption of regulations, policies, procedures and local legislative decisions is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (27) and as such no further action is necessary regarding the same, and

WHEREAS the owners presented a new potential contractor to rehabilitate the residence, now

BE IT THEREFORE RESOLVED that the attached document contains the conditions that must be met for the owners to proceed with any rehabilitation efforts.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother

NAYS: None

Supervisor Fairbrother made a motion, seconded by Councilperson Saglibene at 5:44 p.m. to enter into executive session to discuss union agreement, and a possible litigation. All in favor, motion carried.

Supervisor Fairbrother reconvened the Town Board meeting at 6:40

RESOLUTION NO. 100-14
FOUR-YEAR UNION AGREEMENT APPROVED

Resolution by: Saglibene

Seconded by: Adams

WHEREAS the CSEA Union and the Town of Big Flats have come to a tentative agreement, and

WHEREAS the Union will submit their tentative agreement the week of March 17, and

WHEREAS the tentative agreement calls for a four-year agreement between the Town of Big Flats and CSEA Union, and

WHEREAS both parties have agreed on the terms of the contract, and
RESOLUTION NO. 100-14, FOUR-YEAR UNION AGREEMENT APPROVED continued

MINUTES OF THE TOWN BOARD MEETING OF MARCH 12, 2014

WHEREAS for the environmental review purposes, the adoption of regulations, policies, procedures and local legislative decisions is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to enter into a four-year agreement with the CSEA Union for the years of 2014, 2015, 2016, and 2017.

CARRIED: AYES: Fairbrother, Gillette, Adams, Giammichele, Saglibene
NAYES: None

RESOLUTION NO. 101-14
INSURANCE HRA INCREASE

Resolution by: Saglibene
Seconded by: Adams

WHEREAS the insurance HRA part of the Town's health insurance is to be increased for the union agreement, and

WHEREAS the non-union employees for the Town are under the same health insurance, and

WHEREAS the HRA health insurance policy needs to be the same for all employees under the Town's Health Insurance, and

WHEREAS for environmental review purposes, the adoption of regulations, policies, procedures and local legislative decisions is a Type II action in accordance with SEQRA 6 NYCRR, and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVE that the Big Flats Town Board will increase the HRA to \$3,000 for all but the single person coverage which will have an HRA of \$1,500. To be 100% funded each year by the Town of Big Flats general fund. All excessive funds will be carried over to the next year in a reserve account.

CARRIED: AYES: Fairbrother, Gillette, Adams, Giammichele, Saglibene
NAYES: None

Councilperson Gillette made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 6:41 p.m. All in favor, motion carried.

Date approved: _____ Linda J. Cross
Town Clerk